

REMARKS

Applicant's attorney thanks the Examiner for the telephonic Examiner interview of September 15, 2005. Briefly, the substance of that interview included discussion of (1) cited art U.S. Patent No. 6,182,275 to Beelitz et al., and (2) base Claim 1 language regarding accessing a database and automated identification of a whole fluid purification equipment package. The thrust of Applicant's arguments was the automated identification of a whole solution (whole fluid purification equipment package) as opposed to piecemeal identification of solution components in the prior art. Proposed claim amendments clarifying the accessing of the database and the "whole package" concept were discussed but not agreed upon. No exhibits or demonstrations were given and no agreements were reached.

As such, Claims 1 and 3-29 are pending in the subject patent application and stand rejected under 35 U.S.C. § 103 as being unpatentable over Chang (U.S. Patent No. 5,873,263) in view of Hanson et al. (U.S. Patent No. 5,315,521) in further view of Beelitz et al. (U.S. Patent No. 6,182,275). Applicant's attorney responds in kind below.

The Office Action at hand sets forth that Chang discloses a fluid purification system but that "Chang does not specifically teach the optimization of the...system." The Office Action thus cites Hanson et al. as evidencing "...the optimization of fluid purification systems through process equipment selection and operation..." (see Office Action page 2). The Office Action goes on to state that "...Chang does not specifically teach a [relational database] method for identifying fluid purification equipment..." but cites Beelitz as a reference that "...relates effectively to the same problem and solution as that addressed by the claimed invention." (See Office Action pages 3-4).

At page 5, the Office Action states "...the use of such a computer system-based method, as taught by Chang in view of Beelitz et al., merely substitutes or replaces a manual methodology of consulting print references, such as operating manuals or equipment catalogs, in process design and optimization...Therefore it would have been obvious to one of ordinary skill in the art to provide a method for identifying fluid purification equipment, which is optimized for use in a particular fluid purification system, wherein the method comprises the steps of: providing a relational database of equipment specifications...It would have been obvious to one of ordinary skill in the art to incorporate within the method further inquiries, which elicit defining

information regarding the operating parameters of the fluid purification system, as such information would be necessary in order to optimize the system effectively..."

The present invention as now claimed and discussed in the September 15, 2005 Examiner interview is directed to a computer method that identifies the whole solution (i.e., a fluid purification equipment package) in its entirety to the user based on a collection of user responses to a series of inquiries. The series of inquiries do not ask the user to choose solution components from a list of options but rather the series of inquiries elicit from the user a set of defining information regarding the overall system in which the solution will be utilized (and is optimized for use). Thus the present invention

- (1) receives user responses to a series of inquiries, inquiries piecewise eliciting from a user a set of defining information regarding said particular overall system including operating parameters of the particular overall system;
- (2) from the received user responses across the whole series of inquiries, forms the set of defining information; and
- (3) using the formed set of defining information, searches specifications (of components) stored in a relational database and automatically identifies for a user a whole solution, i.e., a fluid purification equipment package in its entirety, which is optimal given the defining information.

The foregoing claim amendments amend base Claims 1, 28 and 29 to recite the foregoing steps and to make clear that the user is not piecewise formulating or selecting solution components. In the invention as now claimed, the user (1) through an interactive interface responds to a series of questions regarding the overall particular system of interest (not questions providing selection of component options) and (2) is presented with a whole solution (a "fluid purification equipment package") in its entirety without user selection from and interaction with lists of individual components in the interactive interface. Support for the claim amendments is found at least on Specification page 3, lines 14-16; page 4, lines 14-18; page 12, lines 26-31; and page 14, lines 8-18. No new matter is introduced. Acceptance is respectfully requested.

This is in contrast to the piecewise, component by component user selection methodology of Beelitz. Further, the present invention is not merely a computer system substitute or replacement of "...a manual methodology of consulting print references...in process design and

optimization..." as represented by the combination of Chang and Beelitz argued on page 5 of the subject Office Action. Neither the manual methodology nor Beelitz imply or suggest the automatic identification to the user of a whole solution ("fluid purification equipment package") in its entirety and optimized as now claimed in base Claims 1, 28 and 29.

With regard to the claim limitation "...in a manner free of user selection from and interaction with lists of individual components...", the Office Action at page 6 argues that Beelitz col. 18, line 45 - col. 19, line 19 fairly suggests such. The Office Action states "...Beelitz et al. do teach that instead of offering the user an explicit choice of an individual component, the disclosed method automatically determines the parameters of the hardware components..."

Applicant respectfully disagrees.

The cited feature of Beelitz col. 18 line 45 - col. 19, line 19 is in addition to and not instead of offering the user an explicit choice of individual component. In a fair reading of Beelitz, the cited feature enables settings of software programs (already selected by the user as part of the subject solution) to be automatically set per the configuration of hardware (see column 18, lines 45-47 and 55-59). The setting of specific aspects of a software program (a solution component previously chosen by the user) is not equivalent to having no listing offering the user to choose to have the individual component included in the solution. Further, the cited feature does provide display of lists of component options to the user. See:

Col. 18, lines 61-65 "...executes this software sniffing feature to determine the hardware configuration of the targeted computer system 605 so that the lists of software program options or other options presented to the user are compatible with the hardware components of the target computer system 605 as determined by the sniffing feature." (emphasis added)

Col. 19, lines 1-3 "The user would only be presented operating systems that are compatible with size of the RAM as determined by the sniffing program." and

Col. 19, lines 14-19 "After the sniffing feature determines the existing basic hardware configuration of the targeted computer system, the user is presented lists of additional hardware components that are compatible with the existing hardware configuration as determined by the sniffing feature."

Thus, the component by component, user selecting individual components from a pick list approach of Beelitz in any combination with Chang and Hanson does not make obvious the

present invention automated whole solution method as now claimed. The patentably distinguishing claim language (or similar language) of base Claims 1, 28 and 29 reads "...using said formed set of defining information, searching specifications of said database in a manner that automatically identifies for a user a fluid purification equipment package in its entirety...for optimized fluid purification...in a manner free of user selection from and interaction with lists of individual components..." Dependent Claims 3-27 inherit these claim terms and thus are allowable for the same reasons. As such the § 103 rejection is believed to be overcome and withdrawal of this rejection of the claims is respectfully requested.

Restated, the method of Beelitz of displaying different sets of questions (lists of options) to a user to determine one component at a time for a custom built system/solution is not suggestive of the present invention method in which automatic identification of an optimized whole solution (i.e., "fluid purification equipment package in its entirety") is made from the total collection of user responses ("from across the whole series of sequential inquiries, forming the set of defining information from received user responses"). One of ordinary skill in the art would not be motivated to modify the component by component approach of Beelitz to the whole solution across all inquiries method of the present invention given the prior and cited art, where Chang merely discloses a fluid purification system and Hanson et al. stands for optimization of fluid purification systems through equipment selection and operation (which is akin to a one component at a time approach). Any combination of Beelitz, Chang and Hanson would only result in a component by component approach and not the automated identification of the whole fluid purification equipment package approach of the present invention.

As such, the present invention only becomes obvious to one of ordinary skill in the art when a hindsight reconstruction of Applicant's claimed invention is made using Applicant's own disclosure. Such a hindsight reconstruction is in clear violation of long established patent law as evidenced by the landmark case of Graham et al. v. John Deere Co. of Kansas City et al, 383 U.S.1, 148 USPQ 459 (1966) which stated that an Examiner must "...resist the temptation to read into the prior art the teachings of the invention in issue."

Further, the present invention whole solution approach is able to provide multiple whole solutions at a time. This is an advantage over the prior art and further highlights the distinction over any combination of Beelitz, Chang and Hanson. As stated in the Specification as originally filed (page 13, lines 2-8) "...there can be several possible 'optimum' fluid purification systems for the operator's specific needs, depending on the weight given to different factors. The present invention, therefore, includes the function that the inquiries and operator's responses can generate more than one such package, when the database operational software identifies components that fit the operator's needs but differ in their technology or economics...."

As an alternative, to highlight this patentable distinction of the present invention, base Claim 29 is further amended to make clear that one or more whole fluid purification equipment packages (solutions) in their entirety are automatically identified to the user. Support for this claim amendment is found at least on Specification page 13, lines 2-21 as originally filed. No new matter is introduced. Acceptance is respectfully requested.

CONCLUSION

In view of the above amendments and remarks, it is believed that all pending claims (Claims 1 and 3-29) are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Mary Lou Wakimura
Mary Lou Wakimura
Registration No. 31,804
Telephone: (978) 341-0036
Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated: 10/28/05